

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,

VS.

RUTH N. DURHAM,

Defendant

NO. 5: 08-MJ-05-01 (CWH)

VIOLATION: DRUG RELATED

O R D E R

Before the court is the motion of defendant RUTH N. DURHAM seeking dismissal of the above-captioned criminal proceeding. Tab #19. Upon consideration of said motion, and after consultation with counsel for the government and counsel for the defendant, said motion is GRANTED to the extent that the court agrees with defense counsel that the statute charged is not a *criminal* statute. Dismissal shall be *without prejudice* to the right of the United States to refile if it so desires, setting forth the proper criminal statute.

SO ORDERED AND DIRECTED, this 21st day of OCTOBER, 2008.



A handwritten signature in blue ink, which appears to read "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE